



# HUMAN RIGHTS IN ITALY

**UPR Pre-session on Italy**

**Geneva, 11 October 2019**

**Delivered by the Italian Coalition for Civil Liberties and Rights (CILD)**

# I. Migrants

## Follow-up to the last review

### *Previous recommendations that are yet to be implemented*

- Fully align its migration and asylum policy in accordance with international law (Kenya);
- Develop a comprehensive national system of data collection, analysis and dissemination regarding immigration policies and practices to be used as a foundation for rights-based policymaking on migration (Israel);
- Intensify efforts to combat discrimination and intolerance, especially towards Muslims, migrants and people of African descent and encourage senior State officials and politicians to take clear positions against racist and xenophobic political discourse (Tunisia).

## UPR 2nd cycle

47 of the 199  
recommendations that Italy  
received (*i.e.* 23,62%)  
concerned migrants

## New developments

- Lack of a long-term approach on migration
- Law no. 132/2018: **abolition of humanitarian protection**
- Positive measures adopted to combat **trafficking in human beings**, but several gaps remain in identifying and protecting victims
- Legislation on **citizenship** currently in force (Law no. 91/1992) is based on the *ius sanguinis* principle, causing migrants to face obstacles in acquiring Italian citizenship

Irregular entry and stay is still labelled as a crime in Italy  
(*Legislative Decree no. 286/1998, Article 10bis*)

## Recommendations

- **Repeal the provisions included in Law no. 132/2018 that undermine fundamental rights and narrow basic guarantees** established in national, European and international law, in particular those concerning the abolition of humanitarian protection, border procedures, the internal flight alternative and the withdrawal of international protection
- **Abolish** the criminal offence of **irregular entry and stay** on the Italian territory;
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW);
- **Improve identification of victims of trafficking in human beings**, paying particular attention to victims of trafficking for labour exploitation;
- Amend legislation to **allow for citizenship on the principle of *ius soli* and/or *ius culturae***.

## II. Asylum seekers and refugees

### Follow-up to the last review

#### *Previous recommendations that are yet to be implemented*

- Improve the facilities in the reception centres (Sudan);
- Ensure that every child, particularly unaccompanied minors, whether on the high seas or on its territory, who seeks to enter Italy, has the right to an individual consideration of his/her circumstances and is provided access to a proper age determination process, a guardian, and a best interests determination (Brazil).

Reception of asylum seekers and refugees is placed in a political, social and media climate that has worsened in recent years, continuing to rely on an emergency-led approach

## New developments

- Law no. 132/2018 significantly limited access to reception facilities by **dismantling the Protection System for Asylum Seekers and Refugees (SPRAR)**.
- Foreigners who can access the new SIPROIMI network include:
  - beneficiaries of international protection
  - individuals with “special” residence permits
  - unaccompanied minors

### *Focus on immigration detention*

- Law no. 132/2018 extended the **previous 90-day limit** for immigration detention to a **maximum of 180 days**
- Asylum seekers can be held in hotspots for **30 days** in order to ascertain their identity and citizenship + **180 days** in detention centres

## Recommendations

- Plan and put in place a centralized, **non emergency-driven reception system**;
- Amend Law no. 132/2018 so as to allow asylum seekers to access the SIPROIMI network;
- **Adopt common standards on procedures and reception in order to avoid uneven practices throughout Italy**, ensuring adequate conditions, access to legal counsel, mental and physical healthcare, gender-appropriate camp design and with specific safeguarded sections for families and unaccompanied minors in reception facilities;
- Establish a **comprehensive monitoring system over management and reception conditions** in all centres as well as a coherent data collection and divulgation mechanism.
- Ensure that **only persons with a reasonable prospect of expulsion are detained**, and that any such detentions should only be a measure of last resort and for the shortest amount of time reasonable to achieve the purpose of expulsion;
- Enhance the use of **alternatives to immigration detention** with a particular focus on developing non-custodial, community-based alternatives;
- Reform Law no. 142/2015, in particular as regard to detention of asylum seekers for identity and nationality controls.

# THANK YOU

**from all the members of the Coalition**

**Italian Coalition for Civil Liberties and Rights**

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